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From: ~~st~~stephanie@gmail.com on behalf of Stephanie Chiarello
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Sent: Thursday, February 09, 2012 10:17 AM
To: Kirk Watson
Subject: Voter ID Update and Preparation
Attachments: Memorandum in Support of Motion to Intervene.pdf; Motion to Intervene.pdf; Proposed Order on Motion to Intervene.pdf

Senators and SDC Staff -

Sondra Holtom at the TDP has asked that I share the following update with you about Voter ID. Please let me or Sondra know if you have any questions.

Respectfully,

ATTN Elected Officials - The following was just sent to your respective County Chairs. Any assistance you can provide in these efforts would be most appreciated. If you have any questions about the status of the voter id legislation, feel free to contact me anytime.

Dear County Chairs,

As many of you know, during the last legislative session the Texas Legislature passed a bill (SB 14) that would require voters to show a photo ID when they vote. However, Texas is one of the states subject to Section 5 of the Voting Rights Act, which means that before any changes to voting procedures can be implemented, they must be approved either by the Department of Justice (DOJ) or by a federal court in a process known as "preclearance". You can read more about the preclearance process as well as the rest of the back story on the Texas Voter ID saga at the links at the bottom of this post.

First of all, the DOJ has not issued an opinion one way or the other on the voter ID bill. They have until mid-March to do so. While no one knows for certain, most people who follow these sorts of things believe the DOJ will deny preclearance to the Texas law just as they did to the South Carolina voter ID law.

Instead of waiting for the DOJ to issue an opinion, the State of Texas has filed an Expedited Complaint for Declaratory Judgment in U.S. District court asking for the court to grant preclearance to the voter ID bill. You can read that filing here. A motion to intervene in that case has been filed by noted voting rights attorneys Gerry Hebert and Chad Dunn on behalf of several individuals who will be harmed by the legislation. Those filings are attached.

We do not know what the court's decision will be, how long it will take to make a decision, or if there will be further legal action in a higher court once the District Court acts.

Bottom line, we still don't know if voter I.D. will be in place for any of the elections held in Texas this year. At this rate, it's entirely possible that it won't be. However, in an effort to be prepared just in case photo identification becomes a requirement for voting at some point, here are the things your County Party needs to know and/or do. Please share this information with others so that voters can be informed and prepared.

The types of ID that will be necessary ~~IF~~ the voter ID bill is approved are:

- Driver's license, election identification certificate, personal identification card, or concealed handgun license issued by the Texas Department of Public Safety;
- United States Military identification card containing the person's photograph;
- United States citizenship certificate containing the person's photograph; or
- United States passport.

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 60 days before being presented for voter qualification at the polling place.

There are some exemptions for voters who are disabled or have religious objections to being photographed, however, the local elections offices will not be able to put the procedures in place to keep track of who qualifies unless and until the voter ID bill is precleared.

Voters who do not possess any of the above types of ID will be able to obtain a free Election Identification Certificate (EIC) from the Department of Public Safety, ~~IF~~ the law is precleared. **Voters will not be able to apply for an EIC unless and until preclearance is granted.** In order to obtain an EIC, voters will need to bring the same type of documentation used to prove identity that they would need if they were applying for a Driver's License or Personal Identification card. If the voter does not currently have the required documentation to obtain an EIC, now would be a good time to start the process of obtaining the necessary documentation. The list of acceptable documents is at <http://www.txdps.state.tx.us/DriverLicense/identificationrequirements.htm>.

Helpful tip: One of the acceptable pieces of "Supporting Identification" necessary is a Voter Registration Card. So now would be a good time for a voter registration drive. Voters can register, change an address or get an updated certificate by going to <http://www.sos.state.tx.us/elections/voter/reqvr.shtml>.

For voters who need to obtain documentation to get an EIC, below are some links that might help them through the process:

- [Department of Public Safety](#)
- [Social Security Administration](#)
- [Texas Vital Records](#)
- [Vital Records from other states](#)

Additionally, start recruiting election judges and clerks who are assertive and who will speak up and prevent voters from being turned away or forced to vote provisional ballots. I realize there are never enough election workers, particularly ones who are well trained, however, anyone who cares about voters being disenfranchised needs to step up and offer to be an election worker. That is our front line of defense. Once we know what the procedure for qualifying voters will be (photo id or no photo id), trainings can be conducted by the party (in addition to the ones conducted by the Elections office) to ensure that OUR workers appointed by the Democratic Party are well-versed in the law.

Also, start gathering commitments from attorneys and others familiar with the election process to be part of the Voter Protection team locally. That will be needed regardless of any photo id requirements. The TDP will do trainings on this as well, both in person and via webinar.

Another thing you can do is identify organizations (these are most likely non-profits) that assist people in obtaining necessary documents such as birth certificates, citizenship papers, legal documents from court proceedings, etc and especially organizations that assist people in paying for this documentation and/or assist in helping people obtain photo identification (some charities that focus on the homeless do this). Please send any information you find to me. That way, just in case, we'll have a list to distribute of where people who lack the funds to pay for the documents they need to get the "free" id can get help paying for those docs.

We'll keep you posted as things develop. We'd also love to hear any stories you have to share from people who want to vote but lack the necessary ID that would be imposed under the new law if it is approved. Below are links to background information on the Texas Voter I.D. fight to get you up to speed.

Texas Voter I.D. Background Info

- [Petition to preserve Voting Rights](#)
- [Fight Back](#)

- Letter To DOJ 1
- TDP Demands DOJ deny preclearance
- SOS Hiding the Truth
- Your Voices Heard
- TDP to Gonzales: Prove Your Claim
- SOS Voter ID Flip Flop
- Gonzales Claims Meritless
- Final Notice
- DOJ Blocks South Carolina's Voter ID Law

Sincerely,

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